

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH THOMAS, JR.,

Plaintiff,

Case No. C19-1766-JCC-MLP

V.

ORDER

CORRECTIONS OFFICER HOPF, *et al.*,

Defendants.

This is a 42 U.S.C. § 1983 prisoner civil rights action. On March 16, 2021, Plaintiff Thomas Jr. (“Plaintiff”) filed Motions in Limine (“Plaintiff’s Motion”). (Dkt. # 54.) Plaintiff’s Motion requests: (1) that the Court bar Defendant Hopf (“Defendant”) from eliciting testimony and offering evidence at trial regarding Plaintiff’s criminal convictions; and (2) that the Court bar Defendant from eliciting testimony and offering evidence at trial concerning Plaintiff’s prison record. (*Id.* at 1.) Plaintiff additionally attached a memorandum of authorities to Plaintiff’s Motion. (Dkt. # 55.) On March 29, 2021, Defendant filed a Response requesting that the Court deny Plaintiff’s Motion. (Dkt. # 59.)

Here, Plaintiff's request for a ruling on the admissibility of evidence to be potentially offered at trial is premature. A trial date has not yet been set in this matter. (See dkt. # 48.)

1 Furthermore, the only deadlines currently in place in this case are the discovery deadline of April
2 5, 2021, and the dispositive motions deadline of May 5, 2021. (*Id.* at 4.) “Unless evidence [is
3 clearly admissible on all potential grounds], evidentiary rulings should be deferred until trial so
4 that questions of foundation, relevancy and potential prejudice may be resolved in proper
5 context.” *Hawthorne Partners v. AT&T Techs., Inc.*, 831 F.Supp. 1398, 1400 (N.D. Ill. 1993).
6 Because discovery is ongoing, the dispositive motions deadline has not yet passed, and there is
7 no trial date currently set, Plaintiff’s Motion is premature at this stage in the proceedings.

8 Accordingly, Plaintiff’s Motion is DENIED without prejudice. Plaintiff may refile his
9 Motion for the Court’s consideration if this case proceeds to trial and after Defendant has
10 identified evidence he intends to introduce at trial.

11 The Clerk is directed to send copies of this Order to the parties and to Judge Coughenour.
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13 Dated this 1st day of April, 2021.

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15 MICHELLE L. PETERSON
16 United States Magistrate Judge
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